IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 16254 of 2004

Between:

M/s Navras Fruit Products with S.C.No.141, Gudipalli, Irala Mandal,

Chittoor District, rep.by its Accounts Officer

..... PETITIONER

AND

1 The Superintending Engineer, DPE, Tirupathi, Chittoor District
2 The Divisional Engineer (Operations), Chittoor District
3 The Assistant Divisional Engineer, CCO Paipalle, Chittoor District
4 The Assistant Accounts Officer, ERO, APSPDC Ltd. Pakala, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued by the 2nd respondent vide Memo No.DE/O/CTR/TF.BB/D.No.4787/04 dated 25-06-2004, Lr.No.ADE/CCO/Paipalle/SER/FDOC/D.No.738/04 dated 20-5-2004 and the Letter No.AAO/ERO/PKL/D.No.1528/2004 dated 24-08-2004 as illegal, arbitrary and against the rules of Indian Electricity Act, and consequently direct the respondents not to enforce the demand raised under the impugned proceedings.

Counsel for the Petitioner:MR.T.V.S.KUMAR

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court at the stage of admission made the following ORDER:

The petitioner is a food processing industry. It was issued an order of provisional assessment dated 20.05.2004, wherein it was pointed out that the recording of the consumption in the meter for R-phase was defective and accordingly the petitioner was directed to show cause as to why a sum of Rs.1,20,667/- shall not be levied. The petitioner submitted an explanation for the same. The second respondent passed an order of final assessment on 25.06.2004 confirming the provisional assessment. The petitioner is challenging the same.

Heard learned counsel for the petitioner. Though several contentions, touching the merits of the matter, are urged by the learned counsel for the petitioner, it is not necessary for this Court to delve into the same, for the reason that the petitioner had an effective alternative remedy by way of appeal under Clause No.22.3.3.4 of terms and conditions of supply. This Court had already directed restoration of power supply to the petitioner on payment of a sum of Rs.50,000/-. The amount is said to have been paid.

Hence, the writ petition is disposed of leaving it open to the petitioner to prefer an appeal within six weeks from today. If the appeal is preferred to the appellate authority within the stipulated time, the respondents shall not insist for

payment of the balance of the amount under the order of final assessment till the disposal of the appeal. The petitioner, however, shall be under obligation to pay the periodical consumption charges. No order as to costs.

23.11.2004

Note:

Issue C.C. in three days

(BO)

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To

1 The Superintending Engineer, DPE, Tirupathi, Chittoor District
2 The Divisional Engineer (Operations), Chittoor District
3 The Assistant Divisional Engineer, CCO Paipalle, Chittoor District
4 The Assistant Accounts Officer, ERO, APSPDC Ltd. Pakala, Chittoor District

5 Two CD copies.